

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TIFFANY DODD,

3:17-cv-00246-AC

Plaintiff,

ORDER

v.

AA & S CORPORATION, d/b/a A & R
TRANSPORT, a Utah Corporation;
JASON ATWOOD and JANE DOE ATWOOD;
UNITED VANLINES, LLC, a Missouri
Limited Liability Corporation;
HILLDRUP COMPANIES, INC. d/b/a
HILLDRUP MOVING & STORAGE, a
Virginia Corporation; and LONNIE
ORF and JANE DOE ORF,

Defendants.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#37) on August 25, 2017, in which he recommends this Court grant in part and deny in part the Motion (#8) to Dismiss filed by Defendants United Vanlines, LLC, Hilldrup Companies, Inc. d/b/a Hilldrup Moving & Storage, and Lonnie Orf. The matter is now before this Court pursuant to 28 U.S.C.

§ 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge John V. Acosta's Findings and Recommendation (#37). Accordingly, the Court **GRANTS in part** and **DENIES in part** Defendants' Motion (#8) to Dismiss. The Court **GRANTS** Defendants' Motion to Dismiss Plaintiff's claims against Defendant Orf for negligence and reckless disregard; Plaintiff's claims against Defendants United Vanlines and Hilldrup for negligent entrustment, training, and supervision; and Plaintiff's claim for vicarious liability. The Court, however, **GRANTS** Plaintiff **leave to replead** those claims by a date to be determined by the Magistrate Judge. The Court **DENIES** Defendants' Motion to Dismiss Plaintiff's claims against Defendants United Vanlines and Hilldrup for negligent hiring and retention.

The Court returns this matter to the Magistrate Judge for further handling and to set a deadline for Plaintiff to file an Amended Complaint.

IT IS SO ORDERED.

DATED this 12th day of September, 2017.

/s/ Anna J. Brown

ANNA J. BROWN
United States Senior District Judge